

Comptroller of the Currency, Treasury

§ 41.83

• Information we receive from a consumer reporting agency, such as *[provide illustrative examples, such as “your creditworthiness and credit history”]*.

Sample Clause A-5, Alternative 2:

We may disclose all of the information we collect, as described *[describe location in the notice, such as “above” or “below”]* to companies that perform marketing services on our behalf or to other financial institutions with whom we have joint marketing agreements.

A-6—EXPLANATION OF OPT OUT RIGHT (INSTITUTIONS THAT DISCLOSE OUTSIDE OF THE EXCEPTIONS)

A bank may use this clause, as applicable, to meet the requirement of § 40.6(a)(6) to provide an explanation of the consumer’s right to opt out of the disclosure of nonpublic personal information to nonaffiliated third parties, including the method(s) by which the consumer may exercise that right. The bank may use this clause if the bank discloses nonpublic personal information other than as permitted by the exceptions in §§ 40.13, 40.14, and 40.15.

Sample Clause A-6:

If you prefer that we not disclose nonpublic personal information about you to nonaffiliated third parties, you may opt out of those disclosures, that is, you may direct us not to make those disclosures (other than disclosures permitted by law). If you wish to opt out of disclosures to nonaffiliated third parties, you may *[describe a reasonable means of opting out, such as “call the following toll-free number: (insert number)"]*.

A-7—CONFIDENTIALITY AND SECURITY (ALL INSTITUTIONS)

A bank may use this clause, as applicable, to meet the requirement of § 40.6(a)(8) to describe its policies and practices with respect to protecting the confidentiality and security of nonpublic personal information.

Sample Clause A-7:

We restrict access to nonpublic personal information about you to *[provide an appropriate description, such as “those employees who need to know that information to provide products or services to you”]*. We maintain physical, electronic, and procedural safeguards that comply with federal standards to guard your nonpublic personal information.

PART 41—FAIR CREDIT REPORTING

Subpart A—General Provisions

Sec.

41.1 Purpose.

41.2 [Reserved]

41.3 Definitions.

Subparts B–H—[Reserved]

Subpart I—Duties of Users of Consumer Reports Regarding Identity Theft

41.80–82 [Reserved]

41.83 Disposal of consumer information

AUTHORITY: 12 U.S.C. 1 *et seq.*, 24 (Seventh), 93a, 481, 484, and 1818; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

SOURCE: 69 FR 77616, Dec. 28, 2004, unless otherwise noted.

EFFECTIVE DATE NOTE: At 69 FR 77616, Dec. 28, 2004, part 41 was added, effective July 1, 2005.

Subpart A—General Provisions

§ 41.1 Purpose.

(a) *Purpose.* The purpose of this part is to establish standards for national banks regarding consumer report information. In addition, the purpose of this part is to specify the extent to which national banks may obtain, use, or share certain information. This part also contains a number of measures national banks must take to combat consumer fraud and related crimes, including identity theft.

(b) [Reserved]

§ 41.2 [Reserved]

§ 41.3 Definitions.

As used in this part, unless the context requires otherwise:

(a)–(d) [Reserved]

(e) *Consumer* means an individual.

(f)–(n) [Reserved]

Subparts B–H—[Reserved]

Subpart I—Duties of Users of Consumer Reports Regarding Identity Theft

§ 41.80–82 [Reserved]

§ 41.83 Disposal of consumer information.

(a) *Definitions as used in this section.*

(1) *Bank* means national banks, Federal branches and agencies of foreign banks, and their respective operating subsidiaries.

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(b) *In general.* Each bank must properly dispose of any consumer information that it maintains or otherwise possesses in accordance with the Interagency Guidelines Establishing Information Security Standards, as set forth in appendix B to 12 CFR part 30, to the extent that the bank is covered by the scope of the Guidelines.

(c) *Rule of construction.* Nothing in this section shall be construed to:

(1) Require a bank to maintain or destroy any record pertaining to a consumer that is not imposed under any other law; or

(2) Alter or affect any requirement imposed under any other provision of law to maintain or destroy such a record.

PARTS 42–199 [RESERVED]